IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.139 of 2008
AWADHESH PRASAD
Versus
THE STATE OF BIHAR & ANR
---

4 21.7.2008 The petitioner has filed the instant case for release of the tractor bearing registration no.UP-61-9564 along with its trailer bearing registration no.BR-45-4402.

Learned counsel for the petitioner submits that the tractor stands in his name where trailer stands in the name of his own brother Munna Sao. He submits that the seizure was made by the police and a case under section 7 of the E.C. Act was instituted. He submits that after investigation the police submitted final report in favour of the petitioner and charge sheet was submitted against the P.D.S.dealer Basu Deo Pal. He further submits that the tractor was engaged commercially for carrying out the Kerosene oil in question.

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In view of the fact that final report has been submitted in favour of the petitioner and the tractor was used for commercial purpose, no useful purpose would be served by keeping the tractor and trailer in question under seizure.

Considering the facts and circumstances of the case, if the petitioner files an application before the Chief Judicial Magistrate, Kaimur at Bhabua for release of the aforesaid tractor and trailer, he will release the same after verifying its ownership to his satisfaction in connection with Chainpur P.S. Case No.48 of 2007.

It is made clear that the release of the tractor and trailer in question will be subject to the result of the instant case.

With the aforesaid observation, this application stands disposed of.

Let this order be communicated through fax at the cost of the petitioner.

(S.P.Singh,J)

KHAN

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